the first time in a case like the present, it could hardly be possible that the additional liabilities to a contract, imposed by the doctrine, should not have been observed.

MALICIOUS INTERFERENCE WITH CONTRACT. — The doctrine of a case is often accepted by the courts before its true bearing is thoroughly understood, and the result is that a period of uncertainty and confusion follows that is only ended when some clear-minded judge works out the theory and properly adjusts it. The doctrine of *Lumley* v. *Gye* has had such a course. It is no longer a novelty to find it followed, but when the reasons for it are so well stated as they are in *Van Horn* v. *Van Horn et al.* (28 Atl. Rep. 669) it should be noted. One passage is especially worth quoting. "While a trader," says Van Syckel, J., "may lawfully engage in the sharpest competition, . . . when he oversteps that line and commits an act with the malicious intent of inflicting injury upon his rival's business, his conduct is illegal, and if damage results from it, the injured party is entitled to redress. Nor does it matter whether the wrong-doer effects his object by persuasion or by false representation. The courts look through the instrumentality or means used, to the wrong perpetrated with the malicious intent, and base the right of action upon that." The whole opinion will prove a very valuable one in putting the doctrine on a more satisfactory and more intelligible basis.

LIBEL — AGAINST BRITISH MUSEUM. — Mrs. Biddulph Martin (Victoria Woodhull) must seek alleviation for the outrage to her reputation at more tender hands than those of Baron Pollock. In the trial of the suit instituted by her husband and herself against the trustees of the British Museum (*Martin et ux.* v. *Trustees British Museum*, 10 T. L. R. 338), for having given out to general readers the story of the Beecher-Tilton case, a verdict was found for the defendant, and though the case has been appealed, it is hardly probable that there will be a change, at least in the law. The jury seem to have gone wild on the questions put to them, and it is hard to find meaning in their answers; but at least they returned that neither the defendants nor their servants knew or ought to have known of the libellous matter that they gave out. Assuming that by "ought to have known" they mean a reasonably faithful discharge of the duties put upon them by Parliament, the case is brought quite in line with the authority cited by Baron Pollock, *Emmens* v. *Pottle*, 16 Q. B. D. 354 (in the Court of Appeal, 1885). That was a case of a newsdealer who unwittingly sold libellous matter from his stand and was held not to have published it.

It cannot be said that the offence in libel and slander is the influence of the defendant's opinion on the plaintiff's reputation; it is rather the injury to the plaintiff's reputation in any way by the dissemination of falsehood. Therefore cases like *Emmens* v. *Pottle* would seem to be capable of explanation only on the failure to connect defendant with the falsehood. Certainly in actions on the case generally, if a defendant can show that no ordinary man would have anticipated the result which actually occurred, it is a good defence. Here the finding of the jury seems to show such a defence, and there is no reason why the defend-

ants should not be excused. The case would, of course, be quite different if the defendants knew the injurious nature of the book but were honestly certain of its truth. That is properly a question of privilege. Here the defendant is not connected with the act at all. The case is, however, full of suggestion for librarians.

DAVID DUDLEY FIELD was a man whose life-work was directed toward two ends: simplification of procedure, and codification of substantive law. He lived to see the first well accomplished. The cobwebs have been removed and the old wine of justice is no longer kept inaccessible in the cellars of the Circumlocution Office. But while common-law pleading has gone everywhere, barely a State or two has adopted a code of substantive law, and Judge Dillon, in his recent valuable book, is in favor of no greater kind or degree of codification than that recommended by Joseph Story, Theron Metcalf, Simon Greenleaf, and the other Massachusetts Commissioners, who reported on the subject in 1836, eleven years before Mr. Field began to use the broom which has swept away the old forms.

CONSTITUTIONAL LAW: APPROVAL OF BILL AFTER ADJOURNMENT OF CONGRESS. — The various ways in which the President may treat a bill presented to him for consideration are expressly provided for by the Constitution (Art. I. Sec. 7, cl. 2) except one. Of the effect of the President's approval of a bill after Congress adjourns, nothing is said. Whether such a contingency was foreseen by the framers of the Constitution or not, it may be presumed that the omission was intentional and that no provision was expressly made to meet such a case because it was deemed to be sufficiently dealt with by implication. For over a century the practice of the Executive has been in accordance with the general interpretation of this clause, — that an adjournment of Congress within ten days after the bill has been presented to the President, and before he has acted upon it, precludes any further action on his part; but the cases have been so rare in which the President has approved a bill after an adjournment that the right to do so is for the first time judicially considered in the case of *United States* v. *Weil et al.* (Court of Claims, Apr. 1894). In an opinion which shows careful research in its historical treatment of the veto power, Judge Nott explains away the practice and reaches a conclusion contrary to the previously accepted interpretation of the clause. So able is his argument that the question may fairly be termed an open one.

The practice on the part of the Executive of signing a bill only before an adjournment became well established before its inconvenience was foreseen. So fearful were succeeding Presidents lest they should give to an act the suspicion of unconstitutionality that only in two instances has a bill been retained for consideration and approval after an adjournment. President Lincoln signed the Captured Property Act on March 12, 1863, after the term of the Thirty-Seventh Congress had expired, and notwithstanding the fact that the bill did not reach him till after the adjournment. His right to approve the bill was the subject of an adverse report by the House Judiciary Committee of the next Congress, but no vote was taken upon it, and the act became so generally recognized as valid that the constitutionality of the procedure never arose for